REMARKS

Claims 3-19, 21-24, 26 and 27 are pending in the application. Claims 16 and 24 have been amended to correct a minor typographical error and omission and claim 27 has been added by the foregoing amendment. Applicants appreciate the Examiner's indication of allowable subject matter in claims 3-13, 21-24 and 26.

Claim 14 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ina et al. (U.S. Patent No. 6,298,198) in view of Luo (U.S. Patent No. 6,134,339). Claims 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ina in view of Luo as applied to claim 14 and further in view of Cheatle (U.S. 2002/0191861). Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ina in view of Luo as applied to claim 14 and further in view of Lin et al. (U.S. Patent No. 6,016,354). Applicant respectfully traverses these rejections for the following reasons.

Applicant's invention is directed to a method for assessing the photo quality of a captured image in a digital camera. In one aspect, as recited in claim 14, the method comprises checking, in-camera, the photo quality of the captured image to determine if the photo quality is acceptable and providing a corresponding photo quality feedback to a camera user. The checking step further comprises computing a face quality figure of merit for the captured image and comparing the computed face quality figure of merit to a threshold to determine if the face quality figure of merit exceeds the threshold.

Ina describes a method for verifying blur resulting from motion while capturing an image by a camera. The portions of Ina relied upon in the Office Action (Figs. 2, 7, 11 and 14 as well as col. 7, l. 45+, col. 8, l. 25+ and col. 9, l. 5+) fail to disclose or even suggest computing a face quality figure of merit as described and claimed in Applicant's invention.

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As described in the Specification (in ¶0088 and ¶0089), the method of Applicant's invention detects face and eye regions and then computes a face quality of merit. The face quality of merit is computed by computing brightness, noise level, contrast as well and absence or presence of red eye. As described (in ¶0092), viewers prefer to view photos and/or digital images having certain values for brightness and contrast levels. The thresholds represent the acceptable levels for these values.

These features are simply not described (or addressed) in Ina. In Figure 14 of Ina, a blurred image 30 captured by film is illustrated as a series of closely juxtaposed lines; the blur is described as resulting from motion of the subject that occurs during exposure time interval. The blurred film image is compared with a blurred image 134 resulting from electronic exposure (from a digital camera for example); blurred image 134 is illustrated and described as having better defined edges than blurred image 30. There is no teaching or suggestion in Ina of brightness, noise level, contrast and red eye.

Luo fails to overcome the deficiencies of Ina. Luo describes determining eye location and correcting eye defects such as red eye. Luo scans an image for high intensity pixel values in the red channel to detect human eyes and in the green channel to detect animal eyes (col. 8, lines 18-23).

Luo fails to disclose computation of brightness, noise level and contrast as well as the use of segments associated with skin color. The office action appears to improperly rely on the portions of Luo directed to scanning for high intensity pixel values as disclosing computing brightness, noise and contrast.

At least for these reasons, it is respectfully submitted that claim 14 is allowable over the combined teachings of Ina and Luo.
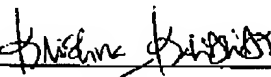
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Similarly, claims 15-19 and 27, which depend on claim 14 and cite additional advantageous thereof, are also allowable.

All of the rejections having been overcome, it is respectfully submitted that this application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions with respect to expediting the prosecution of this application, he is urged to contact the undersigned at the number listed below.

Respectfully submitted,

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